

Exemption 6

Gravatt, Dan

From: dennis <djnaughton@gmail.com>
Sent: Tuesday, January 02, 2018 5:22 PM
To: Gravatt, Dan
Cc: [REDACTED]
Subject: C.W. Process Company site, EPA IAD#005277256 - EPA request for CAF
Attachments: Ltr to [REDACTED] 072814.pdf

Dear Mr. Gravatt,

This is to acknowledge receipt today of your letter of December 12, 2017 to me as registered agent of C.W. Process Company.

Attached you will find a test report issued by TestAmerica August 23, 2010, on the property in question, in which they reported the cyanide properties to be less than those considered hazardous by the Iowa Department of Natural Resources, along with my cover letter to [REDACTED] president of C.W. Process Company dated July 28, 2014..

Please advise if this test and report will suffice for your requirements.

If not, I will be happy to discuss with you the accommodation of your needs. [REDACTED], the president of the company is out of the city this week, but should be available in two weeks time to meet and discuss this matter with me.

Very truly yours,

Dennis J. Naughton

Naughton Law Firm
1080 9th Avenue
Marion, IA 52302
Tel. 319-377-9441
Mobile 319-631-2110
djnaughton@gmail.com

NAUGHTON LAW FIRM

Dennis J. Naughton
1175 8th Avenue, P.O. Box 488
Marion, IA 52302 USA
djnaughton@gmail.com

July 28, 2014

[REDACTED]
C.W. Process Company
2245 Birchwood Dr. NE
Cedar Rapids, IA 52402

Dear [REDACTED]

At your request, I reviewed the report from TestAmerica dated August 11, 2010 addressed to Gail Industries, P.O. Box 1864, Cedar Rapids, IA 52406 reflecting the tests of two soil samples from the City side and Hy 36 side of the property at 5051 Williams Boulevard, Cedar Rapids, Iowa.

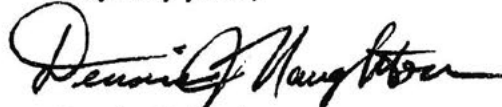
I spoke with Mike McGee at TestAmerica, who advised me that the samples were tested for Cyanide, but no other chemical properties. Based on tests performed August 10, 2010, the samples contained 24.5 parts per million (City side) and 6.88 parts per million (Hy 36 side) respectively.

The state standard is 45 parts per million of cyanide before the Iowa Department of Natural Resources becomes concerned about or interested in a property. In other words, based on the samples tested, TestAmerica reported to me that soil at the Williams Blvd appears to contain far less than an amount of cyanide that would pose a danger under Iowa DNR standards.

TestAmerica did not test for other chemicals, since your concern was exposure to cyanide that might have been used or produced as part of manufacturing activity that occurred on the premises at 5051 Williams Boulevard.

Therefore, it would appear from my inquiry to TestAmerica that if the company should sell the property at 5051 Williams Boulevard there is little likelihood of a liability claim for excessive cyanide exposure from the land.

Very truly yours,


Dennis J. Naughton

August 23, 2010

Client:

GAIL IND.
P.O. Box 1864
Cedar Rapids, IA 52406

Work Order: CTH0576
Project Name: Analytical Testing
Project Number: Gail Ind.

Attn: [REDACTED]

Date Received: 08/11/10

The Chain(s) of Custody, 2 pages, are included and are an integral part of this report.

If you have any questions relating to this analytical report, please contact your Laboratory Project Manager at 1-(800)750-2401

SAMPLE IDENTIFICATION	LAB NUMBER	COLLECTION DATE AND TIME
City Side	CTH0576-01	08/10/10 12:00
Hy 36 Side	CTH0576-02	08/10/10 12:00

NELAC states that samples which require thermal preservation shall be considered acceptable if the arrival temperature is within 2 degrees C of the required temperature or the method specified range. For samples with a temperature requirement of 4 degrees C, an arrival temperature from 0 degrees C to 6 degrees C meets specifications. Samples that are delivered to the laboratory on the same day that they are collected may not meet these criteria. In these cases, the samples are considered acceptable if there is evidence that the chilling process has begun, such as arrival on ice.

Please refer to the Temperature and Sample Receipt form that is included with this report for additional information regarding the condition of samples at the time of receipt by the laboratory.

The reported results were obtained in compliance with the 2003 NELAC standards unless otherwise noted.

Reproduction of this analytical report is permitted only in its entirety. This report shall not be reproduced except in full without the written approval of the laboratory.

TestAmerica Laboratories, Inc. certifies that the analytical results contained herein apply only to the specific sample analyzed.

Approved By:



TestAmerica Cedar Falls
Stefanie Nester
Project Coordinator

TestAmerica

THE LEADER IN ENVIRONMENTAL TESTING

704 Enterprise Drive Cedar Falls, IA 50613 • 800-750-2401 • Fax 319-277-2425

GAIL IND.
P.O. Box 1864
Cedar Rapids, IA 52406

Work Order: CTH0576
Project: Analytical Testing
Project Number: Gail Ind.

Received: 08/11/10
Reported: 08/23/10 12:05

ANALYTICAL REPORT

Analyte	Sample Result	Data Qualifiers	Units	Quan. Limit	Dilution Factor	Date Analyzed	Analyst	Seq/ Batch	Method
Sample ID: CTH0576-01 (City Side - Misc. Solid)					Sampled: 08/10/10 12:00		Recvd: 08/11/10 12:25		
General Chemistry Parameters									
Cyanide	24.5		mg/kg wet	1.00	0.994	08/17/10 21:39	jmh	10H0722	SW 9012A Mod
Sample ID: CTH0576-02 (Hy 36 Side - Misc. Solid)					Sampled: 08/10/10 12:00		Recvd: 08/11/10 12:25		
General Chemistry Parameters									
Cyanide	6.88		mg/kg wet	1.00	0.939	08/17/10 21:40	jmh	10H0722	SW 9012A Mod

1,500 is MAX STANDARD.

GAIL IND.
P.O. Box 1864
Cedar Rapids, IA 52406
[REDACTED]

Work Order: CTH0576
Project: Analytical Testing
Project Number: Gail Ind.

Received: 08/11/10
Reported: 08/23/10 12:05

DATA QUALIFIERS AND DEFINITIONS

ADDITIONAL COMMENTS

Results are reported on a wet weight basis unless otherwise noted.

THE LEADER IN ENVIRONMENTAL TESTING

Phone 319-277-2401 or 800-750-2401
Fax 319-277-2425

To assist us in using the proper analytical methods,
is this work being conducted for regulatory purposes?
Compliance Monitoring

Client Name:

Client #:

Address:

City/State/Zip Code:

Project Manager:

Email Address:

Telephone Number:

Sampler Name: (Print Name)

Sampler Signature:

Project Name:

Project #:

Location ID:

State:

Report To:

Invoice To:

Quote #:

PO#:

[illegible]

THE LEADER IN ENVIRONMENTAL TESTING

Sample Receipt and Temperature Log Form

Date: 8/11/10 Receiver's Initials: WJ Time (Delivered): 1225

Courier: :

☐ 22126775

☐ Temperature out of compliance

☐ Non-Conformance report started

☒ Temperature not taken:

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TestAmerica

INVOICE

THE LEADER IN ENVIRONMENTAL TESTING
704 Enterprise Drive Cedar Falls, IA 50613 800-750-2401 Fax:319-277-2425

Invoice To:

367970

GAIL IND.
Accounts Payable
P.O. Box 1864
Cedar Rapids, IA 52406

Invoice Number: 31007073

Remit Payment To:
TestAmerica Laboratories, Inc.
Dept 2314
P.O. Box 122314
Dallas, TX 75312-2314

TestAmerica EIN: 23-2919996

For Billing Inquiries please contact: 800-750-2401

Invoice Date: 08/27/10

PO Nbrs:

Terms: Cash in Advance

Contact: Shirley Thompson

Payment due:

<u>Sampled</u>	<u>Sample</u>	<u>Sample Name</u>	<u>Project</u>	<u>PO Number</u>		<u>Extended</u>
	<u>Qty</u>	<u>Analysis</u>	<u>Matrix</u>	<u>Price</u>	<u>Surcharge</u>	
8/10/2010	CTH0576-01	City Side	Analytical Testing Gail Ind.			
	1	Cyanide, Total SW 9012 Mod.	Solid/Soil	\$30.00	None	\$30.00
	1	Solids Total SM 2540 G	Solid/Soil	\$0.00	None	\$0.00
				Sample Total:		\$30.00
8/10/2010	CTH0576-02	Hy 36 Side	Analytical Testing Gail Ind.			
	1	Cyanide, Total SW 9012 Mod.	Solid/Soil	\$30.00	None	\$30.00
	1	Solids Total SM 2540 G	Solid/Soil	\$0.00	None	\$0.00
				Sample Total:		\$30.00
<u>Additional Items</u>						
1	Environmental Management Fee					\$3.00
1	Sales Tax - Iowa (7.0%)					\$4.41

Invoice Total: \$67.41

Any applicable rush charges are based on the actual turn-around-time met.

PD. CK. #2746 GAIL IND.

All prices are subject to 5.0% Iowa sales tax and 2.0% local tax unless an Iowa sales tax exemption form is on file at our office.

THE LEADER IN ENVIRONMENTAL TESTING

Phone 319-277-2401 or 800-750-2401
Fax 319-277-2425

Compliance Monitoring

Sampler Signature:

Client #:

Quote #:

PO#:

TAL-0033 (0708)

TestAmerica

THE LEADER IN ENVIRONMENTAL TESTING

704 ENTERPRISE DRIVE • CEDAR FALLS, IA 50613
800-250-2401 • 319-277-2425 FAX

Sample Receipt and Temperature Log Form

Client: Wayne Mfg. Project: _____

City: _____

Date: 8/11/10 Receiver's Initials: WJ Time (Delivered): 1225

Temperature Record:

Cooler ID# (If Applicable)

_____ °C / On Ice

Thermometer:

- ☐ IR - 61997671 'B'
☐ IR - 90876942 'C'
☐ IR - 61854108

☐ 22126775

Courier:

- | | |
|--|--|
| <input type="checkbox"/> UPS | <input type="checkbox"/> TA Courier |
| <input type="checkbox"/> FedEx | <input type="checkbox"/> TA Field Services |
| <input type="checkbox"/> FedEx Ground | <input checked="" type="checkbox"/> Client |
| <input type="checkbox"/> US Postal Service | <input type="checkbox"/> Other |
| <input type="checkbox"/> Spee-Dee | |

☐ Temp Blank

☐ Temperature out of compliance

Custody seals present?

☐ Yes

Custody seals intact?

☐ Yes ☐ No

☐ Non-Conformance report started

Exceptions Noted

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Sample(s) not received in a cooler. |
| <input type="checkbox"/> | Samples(s) received same day of sampling. |
| <input type="checkbox"/> | Evidence of a chilling process |
| <input checked="" type="checkbox"/> | Temperature not taken:
<u>solid</u> |

*Refer to SOP CF-SS-01 for Temperature Criteria

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